

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Brams  
 Appln. No.: 09 | 805,217  
 Series Code ↑ | Serial No. ↑  
 Filed: March 14, 2001  
 Hon. Commissioner of Patents  
 Washington, D.C. 20231



Group Art Unit: 1642  
 Examiner: Larry R. Helms  
 Atty. Dkt. P 279190 | 2000-30-0155A  
 M# | Client Ref  
 Appln. Title: ANTIBODIES THAT BIND  
 PHOSPHARIDYL SERINE AND A  
 METHOD OF THEIR USE

RECEIVED

AUG 07 2002

TECH CENTER 1600/2900

Sir:

**REPLY/AMENDMENT/LETTER**

Date: August 6, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

**FEE REQUIREMENTS FOR CLAIMS AS AMENDED**

|  |  |                                  |                                    |               |                                    |                |                |
|--|--|----------------------------------|------------------------------------|---------------|------------------------------------|----------------|----------------|
| 1. Small Entity claim<br>A. <input checked="" type="checkbox"/> NOT made<br>B. <input type="checkbox"/> Withdrawn<br>C. <input type="checkbox"/> made herewith<br>D. <input type="checkbox"/> made previously<br>For B & C See Required Separate Paper (Pat-256) |  | Claims remaining after amendment | Highest number previously paid for | Present Extra | Large/Small Entity                 | Additional Fee | Fee Code Lg/Sm |
| 2. Total Effective Claims  |  | **minus                          | 0                                  | 0             | x \$18/\$9 =                       | + \$0          | 103/203        |
| 3. Independent Claims  |  | ***minus                         | 0                                  | 0             | x \$84/\$42 =                      | + \$0          | 102/202        |
| 4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)..... add   |  |                                  |                                    |               | + \$280/\$140 =                    | + \$0          | 104/204        |
| 5. Original due Date: August 8, 2002   |  | <input type="checkbox"/> NONE    |                                    |               |                                    |                |                |
| 6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached  |  | (1 mo)                           | \$110/\$55 =                       | + \$0         |                                    |                | 115/215        |
|  |  | (2 mos)                          | \$400/\$200 =                      |               |                                    |                | 116/216        |
|  |  | (3 mos)                          | \$920/\$460 =                      |               |                                    |                | 117/217        |
|  |  | (4 mos)                          | \$1,440/\$720 =                    |               |                                    |                | 118/218        |
|  |  | (5 mos)                          | \$1,960/\$980 =                    |               |                                    |                | 128/228        |
| 7. Enter any previous extension fee paid since above original due date and subtract  |  |                                  |                                    |               | - \$0                              |                |                |
| 8.   |  |                                  |                                    |               | Extension Fee                      | + \$0          |                |
| 9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....  |  |                                  |                                    |               | + \$110/\$55                       | + \$0          | 148/248        |
| 10. If IDS attached requires Official Fee under Rule 97 (c), ..... add   |  |                                  |                                    |               | + \$180                            | + \$0          | 126            |
| or if Rule 97(d) Request ..... add   |  |                                  |                                    |               | + \$180                            |                | 126            |
| 11. After-Final Request Fee per rules 129(a) and 17(r) .....   |  |                                  |                                    |               | + \$740/370                        | + \$0          | 146/246        |
| 12. No. of additional inventions for examination per Rule 129(b) .....   |  |                                  |                                    |               | x \$740/370 ea                     | + \$0          | 149/249        |
| 13. Request for Continued Examination (RCE) .....  |  |                                  |                                    |               | + \$740/370                        | + \$0          | 1179/1279      |
| 14. Petition fee for .....   |  |                                  |                                    |               |                                    | + \$0          |                |
| 15.  |  |                                  |                                    |               | TOTAL FEE =                        | \$0            |                |
| 16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".   |  |                                  |                                    |               | <b>PLEASE CHARGE OUR DEP. ACCT</b> |                |                |
| 17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.   |  |                                  |                                    |               |                                    |                |                |
| 18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.  |  |                                  |                                    |               |                                    |                |                |

Our Deposit Account No. 03-3975)  
 (Our Order No. 037003 | 279190  
 C# | M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP  
 Intellectual Property Group

P.O. Box 10500  
 McLean, VA 22102  
 Tel: (703) 905-2000

By Atty: Robin L. Teskin

Sig:

Reg. No. 35,030

Fax: (703) 905-2500  
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Atty/Sec: RLT/DJM

**NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 8/6/02 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see *65 Fed. Reg. 54603*, Sept. 8, 2000, and *1238 O.G. 77*, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):

- ☐ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☒ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- ☐ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☐ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: \_\_\_\_\_

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- ☐ **PRELIMINARY AMENDMENT:** Unless applicant **supplies the omission or correction** to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to **supply the omission or correction noted above** in order to **avoid abandonment**. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

  
Legal Instruments Examiner (LIE)

ATTACHMENT:

## SAMPLE AMENDMENT FORMAT

Conventional Heading Information  
for Amendment Supplied Here (Applicant, Appl. No., etc)

### AMENDMENT

Sir:

In response to the Office action of October 10, 2000, please amend the above-identified application as follows:

#### In the Specification:

Please replace the paragraph beginning at page 5, line 15, with the following rewritten paragraph:

-- In this construction the electric heating elements are positioned directly beneath the iron grid bars and melted fat is carried off in grooves formed in the upper surfaces of the bars. --

#### In the claims:

Please cancel claim 6.

Please amend claim 7 as follows:

7. (Amended) A griller as claimed in claim 1 wherein the power consumption of the heater element is 1250 watts and the weight of the grill member is about 3.5 kg.

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(Page Break)

### REMARKS/ARGUMENTS

Claims 1-5 and 7-10 remain in this application. Claim 6 has been canceled. Claim 7 has been amended.

Claims.....

.....

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

SIGNATURE \_\_\_\_\_

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### VERSION WITH MARKINGS TO SHOW CHANGES MADE

#### In the specification:

Paragraph beginning at line 15 of page 5 has been amended as follows:

In this construction the electric heating elements are positioned directly beneath the iron grid bars and melted fat is carried off in grooves formed in the upper surfaces of the bars.

#### In the claims:

Claim 6 has been canceled.

Claim 7 has been amended as follows:

7. (Amended) A griller as claimed in claim 1 wherein the power consumption of the heater element is 1250 ~~1600~~ watts and the weight of the grill member is about 3.5 kg.

Enter-in part



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Peter Brams

Group Art Unit: 1642

Application No. 09/805,217

Examiner: L. Helms

Filed: May 14, 2001

Title: ANTIBODIES THAT BIND PHOSPHATIDYL SERINE AND A METHOD OF THEIR USE

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AUG 07 2002

TECH CENTER 1600/2900

#

10/A

jm

8/9/02

\* \* \* \* \*

REPLY PURSUANT TO 37 CFR § 1.111

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action (non-final rejection) mailed on May 8, 2002, kindly amend the above-identified application as follows.

IN THE CLAIMS

Please cancel all of the claims 1-28 in favor of the following claims.

- Amended*
29. An isolated unconjugated monoclonal antibody that specifically binds phosphatidyl serine and that induces complement dependent cell-mediated cytotoxicity against a human tumor cell that expresses phosphatidyl serine.
30. The monoclonal antibody of claim 29 which is a primate antibody.
31. The monoclonal antibody of claim 29 which is a human antibody.
32. The monoclonal antibody of claim 29 which is a chimeric antibody.
33. The monoclonal antibody of claim 29 which is a humanized antibody.
34. A pharmaceutical composition containing a monoclonal antibody according to claim 29.
- Amended*
35. The monoclonal antibody of claim 34 which is a primate antibody.
36. The monoclonal antibody of claim 34 which is a human antibody.
37. The monoclonal antibody of claim 34 which is a chimeric antibody.
38. The monoclonal antibody of claim 34 which is a humanized antibody.--